



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------|-------------|------------------------------|---------------------|------------------|
| 10/698,502 | 10/31/2003 | Michele M. L. Meyer-Fredholm | SP01-097C | 9613 |
| 22928 | 7590 | 03/14/2006 | EXAMINER | |
| CORNING INCORPORATED | | | SPEER, TIMOTHY M | |
| SP-TI-3-1 | | | ART UNIT | |
| CORNING, NY 14831 | | | PAPER NUMBER | |
| | | | 1775 | |

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|-------------------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/698,502 | | MEYER-FREDHOLM, MICHELE M. L. | |
| | Examiner | | Art Unit | |
| | Timothy M. Speer | | 1775 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 24-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Quandt (USPN 3,655,354).

Claims 24 and 27-39, are rejected for reasons of record in the office action dated 10/04/05. Regarding claims 25, 26 and 40, since the Quandt discloses a crucible having the same characteristics as presently claimed, it is the Examiner's position that the crucible will necessarily exhibit the properties recited in claims 25, 26 and 40.

Response to Arguments

3. Applicant's arguments filed 01/04/06 have been fully considered. The arguments are persuasive with respect to the rejection of claims 24-40 as being anticipated by Okubo (JP 090328392) and, accordingly, this ground of rejection is withdrawn. The arguments, however, are not persuasive with respect to Quandt and, therefore, this ground of rejection is maintained for reasons discussed below.

In response to the rejection of the claims as being anticipated by Quandt, applicant first argues that Quandt discloses a method for making fused quartz and not a crystalline quartz. It is unclear how such argument is germane with respect to patentability of the present claims. The claims at issue are simply directed to a crucible having particular properties. Quandt discloses crucibles having those properties and, accordingly, meets each and every claimed limitation.

Moreover, although the present claims recite that the crucible is used for producing calcium fluoride, such intended use does not distinguish over Quandt. Again, the crucible of Quandt has each and every claimed characteristic of the claimed invention and, accordingly, anticipates the present claims. Discovering a new use of a known article does not impart patentability to the article.

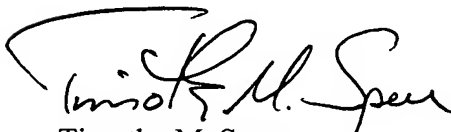
In light of the above, applicant's arguments have been fully considered but are not found to be persuasive.

Conclusion

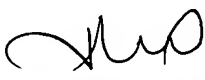
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Speer whose telephone number is 571-272-8385. The examiner can normally be reached on M-Th, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy M. Speer



JENNIFER MCNEIL
PRIMARY EXAMINER
3/12/06